

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DAVID F. CIMPERMAN, JR.,)	CASE NO. 5:01CV2884
)	
Plaintiff,)	Judge Dan Aaron Polster
)	
vs.)	<u>ORDER</u>
)	
CITY OF NEW PHILADELPHIA,)	
)	
Defendant.)	

Before the Court is Plaintiff's Application for Temporary Restraining Order and Motion for Preliminary Injunction (**ECF No. 10**). For the reasons stated below, Plaintiff's application and motion are **DENIED**.

On December 12, 2001, Plaintiff David F. Cimperman filed a Complaint (ECF No. 1) against Defendant City of New Philadelphia. In the Complaint, Plaintiff alleges that while employed as a Captain in the Police Department of New Philadelphia, he was subject to sexual harassment and retaliation in violation of federal and state law.

On March 4, 2002, Plaintiff filed an Application for Temporary Restraining Order and Motion

for Preliminary Injunction (ECF No. 10) in which he requests that the City of New Philadelphia be enjoined “from administering, implementing, continuing, or concluding the candidate qualification and selection process announced by the city to fill the current vacancy in the position of Chief of Police” *Id.* at 1. On the same day, Defendant filed a Memorandum in Opposition (ECF No. 13) and a Supplemental Brief in Opposition (ECF No. 14) to Plaintiff’s application and motion. On March 5, 2002, the parties appeared before the Court to discuss the issues raised in their briefs. After reviewing the briefs and conferring with the parties, the Court has concluded that Plaintiff’s application and motion must fail because he has failed to demonstrate a substantial likelihood of success on the merits of his claims. *See, e.g., Southwest Williamson County Comty Ass’n, Inc. v. Slater*, 243 F.3d 270, 286 (6th Cir. 2001). For this reason, Plaintiff’s Application for Temporary Restraining Order and Motion for Preliminary Injunction (**ECF No. 10**) are hereby **DENIED**.

IT IS SO ORDERED.

S/Dan Aaron Polster 3/5/02

Dan Aaron Polster

United States District Judge